

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:

MITCHELL M. JACKSON ET AL.

DOCKET NO.: 3085R

CUSTOMER NUMBER: 26645

SERIAL NO.: 09/820,430

EXAMINER: C. TOOMER

FILED: MARCH 29, 2001

GROUP ART UNIT: 1714

TITLE: GASOLINE ADDITIVE CONCENTRATION COMPOSITION AND FUEL
COMPOSITION AND METHOD THEREOF

Hon. Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Date: October 4, 2006

Sir:

Amendment and Response

In response to the office action dated September 11, 2006, please review the above identified application in view of the accompanying Terminal Disclaimer and following remarks.

I hereby certify that this correspondence is being filed electronically via the USPTO EFS with the Commissioner for Patents, U.S. Patent & Trademark Office, Alexandria, Virginia on

10-4-06
Date of Deposit

Nancy S. Dedek
By: Nancy S. Dedek

RESPONSE AND REQUEST FOR RECONSIDERATION

Applicants have submitted a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(c). Applicants request the Examiner to reconsider the present application in view of the Terminal Disclaimer and following remarks.

Claims 19, 33-38, 40 and 42 have been rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-23 of U.S. Patent No. 6,224,642 (Daly) in view of U.S. Patent No. 5,503,645 (Jung) and EP 869163. Applicants respectfully traverse this rejection.

The Applicants respectfully submit that the non-statutory obviousness-type double patenting rejection in the instant case should be withdrawn because Applicants have filed a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(c) to overcome the non-statutory obviousness-type double patenting rejection. In light of the Terminal Disclaimer, which disqualifies Daly as prior art; the secondary references, JP 58117282, Jung and EP 869 163, are no longer relevant prior art. Applicants respectfully submit that the claimed invention is novel and not obvious and the rejection should be withdrawn.

For the foregoing reasons it is submitted that the present claims are in condition for allowance. The foregoing remarks are believed to be a full and complete response to the outstanding office action. Therefore an early and favorable reconsideration is respectfully requested. If the Examiner believes that only minor issues remain to be resolved, a telephone call to the Undersigned is suggested.

Any required fees or any deficiency or overpayment in fees should be charged or credited to deposit account 12-2275 (The Lubrizol Corporation).

Respectfully submitted,
THE LUBRIZOL CORPORATION

A handwritten signature in black ink, appearing to read "Jason S. Fokens", is written over a horizontal line.

Jason S. Fokens
Attorney for Applicant
Reg. No. 56,188

29400 Lakeland Blvd.
Wickliffe, Ohio 44092-2298
Telephone: 440-347-5913
Facsimile: 440-347-1110